

NOT FOR PUBLICATION

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

Matt GREEN,

Plaintiff,

v.

Jon CORZINE, et al.,

Defendants.

Civ. No. 09-1600

OPINION & ORDER

THOMPSON, U.S.D.J.

This matter comes before the Court upon Plaintiff's Appeal [docket # 200] of the Magistrate Judge's Letter Order [194] granting Defendants' letter request for an extension of time to file a summary judgment motion. The Court has decided the Appeal upon consideration of the parties' written submissions, without holding oral argument, pursuant to Fed. R. Civ. P. 78(b). For the reasons given below, Plaintiff's Appeal is denied, and the Magistrate Judge's Order is affirmed in all respects.

A magistrate judge's determination of a non-dispositive matter will be overturned only when the ruling was "clearly erroneous or contrary to law." L. Civ. R. 72.1(c)(1)(A). A ruling is contrary to law "if the magistrate judge has misinterpreted or misapplied applicable law," whereas a finding is clearly erroneous when the reviewing court "is left with the definite and firm conviction that a mistake has been committed." *Marks v. Struble*, 347 F. Supp. 2d 136, 149 (D.N.J. 2004).

Fed. R. Civ. P. 6(b)(1)(A) states, "When an act must be done within a specified time, the court may, for good cause, extend the time with or without motion or notice if the court acts, or if a request was made, before the original time or its extension expires." Fed. R. Civ. P.

6(b)(1)(A). Here, Defendants requested an extension before the original deadline expired, and the Magistrate Judge, apparently finding good cause, granted the request in full accordance with the federal rule. Plaintiff argues that the extension contravenes the Court's earlier amended scheduling order, which states that "[t]here will be **no further extension(s)** of the deadlines established herein except upon formal motion and on a showing of good cause." [174] (emphasis in original). In granting the request, the magistrate judge must have found that Defendants showed good cause for an extension and must have believed that requiring a formal motion was not warranted under the circumstances. We cannot say that this was clearly erroneous. Nor do we believe Plaintiff will suffer prejudice from a 10-day delay during which no further action on his part is required. Therefore, Plaintiff's appeal is denied.

CONCLUSION

For the foregoing reasons, IT IS, this 8th day of December, 2010,

ORDERED that Plaintiff's Appeal [200] of the Magistrate Judge's order is DENIED; and it is further

ORDERED that the Magistrate Judge's Order [194] granting Defendants' request for an extension is AFFIRMED.

/s/ Anne E. Thompson

ANNE E. THOMPSON, U.S.D.J.